IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2837 of 2007.

Sajid Ali Barkat Ali Pathan ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Ganesh Gole, Advocate for the applicants.

Mr Rajesh More, A.P.P. for the State.

CORAM: V.C. DAGA,J.
DATED: 8.10.2007.

P.C.:-

1. Heard learned counsel for the applicants and learned A.P.P.for the State.

2. The applicant Nos. 1 and 2- accused are seeking bail under Section 438 of the Cr.P.C. in Crime No. 135 of 2007 registered with Miraj City Police Station for the offence punishable under Sections 452, 143,147, 384,427, 323,504,506 of the I.P.C.

3. According to the prosecution, on 10-8-07 the applicants had gone to the hospital of the complainant alongwith Vikas Kulkarni, Sanjay Tiwari and other workers of Maharashtra Navnirman Sena for demanding money, which the

complainant refused to pay. It is further alleged that applicants threatened the complainant of the dire consequences.

4. On the same day at about 3:30 p.m. the applicants and other persons by name Sultan Ayub Patel, Vikas Kulkarni and Sanjay Tiwari visited hospital of the complainant. They manhandled and abused the complainant and also caused damage to the furniture and telephone wire of the hospital. That is how the complaint came to be filed against the applicants.

5. According to the learned counsel for the applicants, the applicants have been falsely implicated in the present C.R. because the applicant no.1 is elected President of Maharashtra Navnirman Sena, Miraj City and the applicant no. 2 is a party worker of the said political party;whereas, the brother of the complainant is the sitting Corporator of Sangli-Miraj Municipal Corporation belonging to Congress Party. He, thus, submits that the complaint is the out-come of political rivalry.

6. Learned A.P.P. tried to oppose the application contending that three C.Rs. are pending against each of the applicants. Reacting to this submission, learned counsel for the applicants submits that though some of the C.Rs. are pending against the applicants but in every C.R. they are on bail. He thus submits that looking to the material available on record, the applicants can be released on bail in this C.R.

7. Having heard both parties and considering nature of the involvement of the present applicants, at this stage, prima facie, one has to conclude that there is hardly any reasonable ground for believing that the applicants are guilty of the offences alleged against them. I am of the view that the applicants are entitled for anticipatory bail subject to imposition of certain terms and conditions.

8. In the result, in the event of arrest of the applicants in Crime No. 135 of 2007 registered with Miraj City Police Station for

the offence punishable under Sections 452, 143,147,384,427, 323,504,506 of the I.P.C.they be released on bail in the sum of Rs.25,000/- each with one surety each in the like amount on following terms and conditions:-

a] The applicants shall report to the concerned Police Station once in a week on every Friday in between 5.00 to 7.00 p.m. till filing of the charge sheet.

b] the applicants shall not pressurise prosecution witnesses and that they shall co-operate the Investigating agency, if required.

c] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

d] It is needless to mention that breach of any of these conditions by the applicant shall result in cancellation of this bail.

e] The applicants are put on notice that if any other C.R. is registered against them, this order shall be automatically stand cancelled.

9. The application is accordingly disposed of.

(V.C. DAGA,J.)